REMARKS

This Amendment is responsive to the final Office Action mailed on October 8, 2004. Entry of this Amendment and reconsideration of the instant application in view thereof are respectfully requested.

Assuming entry of the amendments to the claims set forth in this Amendment, the status of the claims is as follows:

Currently Amended:	1, 6, 11 & 16
Cancelled:	Claims 4 and 13
New:	None
Pending:	1, 2, 5-12 and 14-23

Claims

Claims 1, 2 and 4-23 were pending. Claims 1, 2 and 4-23 stand rejected.

Claims 1, 6, 11 and 16 have been amended to more clearly define the invention, as discussed hereinafter. No new matter has been added.

Claim Rejections for Double Patenting

Claims 1, 2, 4, 5, 21 & 22 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-17 of U.S. Patent No. 6,639,012. Without conceding the validity of this provisional rejection, Applicants have elected to submit a terminal disclaimer which accompanies this Amendment. Reconsideration and withdrawal of this provisional rejection are respectfully requested.

In view of the Examiner's withdrawal the previous rejection of the present claims under the judicially created doctrine of obviousness-type double patenting based on U.S. Application Serial No. 09/944,289 because U.S. Application Serial No. 09/944,289 has been abandoned, Applicants hereby withdraw authorization for entry of the previously submitted Terminal Disclaimer.

Claim Rejections under 35 USC §§ 112, Second Paragraph

Claims 1, 2 and 4-23 stand rejected, under 35 U.S.C. § 112, second paragraph, as being indefinite because Claims 1, 6, 11 and 16 each recite the term "ethylene-vinylacetate ("EVA") type copolymers". As discussed in further detail hereinafter, each of Claims 1, 6, 11 and 16 have been amended to delete the language "ethylene-vinylacetate ("EVA") type copolymers; polymers derived from olefins;".

Claim 4 has been rejected, under 35 U.S.C. § 112, second paragraph, as being indefinite because it improperly broadens the scope of Claim 1 which recites that the liquid component comprises at least 5 weight percent water. In addition, Claim 13 has been rejected as being redundant in view of the subject matter of amended Claim 11. Claims 4 and 11 have both been cancelled by the foregoing amendments.

Based upon the aforesaid amendments, it is believed that each of the aforesaid rejections under U.S.C. § 112, second paragraph has been adequately addressed and overcome.

Claim Rejections under 35 USC § 103(a)

Claims 1, 2 and 6-8 stand rejected under 35 U.S.C. § 103(a) as being obvious and, therefore, unpatentable over U.S. Patent No. 6,245,848 (Espiard et al.). Additionally, Claims 1, 2 and 6-8 have been rejected under 35 U.S.C. § 103(a) as being obvious and, therefore, unpatentable over U.S. Patent No. 4,245,070 (Kemp).

With respect to the rejection based on Kemp, Applicants and their attorneys note a probable typographical error on page 4 of the final Office Action, whereby the patent number stated for Kemp is "US 4,250,070". Since US 4,250,070 names Ley et al. as the inventor, and since US 4,245,070 to Kemp was previously cited in the first Office Action for the present application, Applicants and their attorney assume that the Examiner intended to cite US 4,245,070 to Kemp as the basis for the aforesaid rejection of Claims 1, 2 and 6-8. Thus, the following comments refer to Kemp, US 4,245,070.

On pages 3-4 of the final Office Action, the Examiner supported these rejections based upon his determination that each of Espiard et al. and Kemp disclose the use of polymers derived from vinyl chloride homopolymers and copolymers, which in turn suggests the use of polymers derived from vinyl acetate and olefins, as in the present invention recited by each of Claims 1, 6,

11 and 16.

Without conceding the validity of any of the assertions proffered by the Examiner, Applicants have elected to amend the claims to more clearly define the invention. More particularly, each of independent Claims 1, 6, 11 and 16 have been amended, by the foregoing amendments, to remove the language "ethylene-vinylacetate ("EVA") type copolymers; polymers derived from olefins;". Thus, the present invention, as recited by each of amended independent Claims 1, 6, 11 and 16, no longer include the possible use of polymer particles derived from ethylene-vinylacetate ("EVA") type copolymers or polymers derived from olefins. It is believed that the aforesaid amendments overcome the rejections of Claims 1 and 6, under U.S.C. § 103(a). Furthermore, since each of Claims 2, 7 and 8 each depend directly or indirectly from one of amended independent Claims 1 or 6, it is further believed that the rejections of Claims 2, and 8 under 35 U.S.C. § 103(a) have been overcome. In the foregoing circumstances, it is believed that Claims 1, 2 and 6-8 are nonobvious and patentable over both Espiard et al. and Kemp.

In view of the foregoing amendments and comments, it is believed that amended independent Claims 1 and 6, as well as Claims 2, 5, 7-10 and 21-23 which depend either directly or indirectly therefrom, are now in condition for allowance.

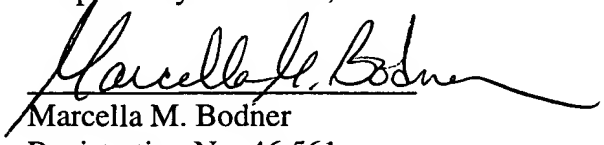
Since Claims 11-23 were not rejected under 35 U.S.C. §§ 102 or 103, and because the rejections of these claims under 35 U.S.C. § 112 have been addressed and overcome by the foregoing amendments and comments, it is believed that, separate and apart from Claims 1, 2, 5-10 and 21-23, Claims 11-12 and 14-23 are also in condition for allowance.

Conclusion

Claims 1, 2, 5-12 and 14-23 remain pending and all are now believed to be in condition for allowance. It is further submitted that the amendments made hereinabove simply cancel claims and address specific issues raised by the Examiner in the final Office Acton, by submitting a responsive terminal disclaimer and canceling contested subject matter (without conceding the validity of any of the assertions proffered by the Examiner). Thus, it is believed that this Amendment requires only a cursory review by the Examiner. Entry of this Amendment and allowance of Claims 1, 2, 5-12 and 14-23 are hereby respectfully requested.

No fees are believed to be due in connection with the submission of this Amendment, since it is being submitted within two months after the due date set by the final Office Action. However, if any such fees, including petition and extension fees, are due in connection with the submission of this Amendment, the Commissioner is hereby authorized to charge such fees, as well as to credit any overpayments, to **Deposit Account No. 18-1850**.

Respectfully submitted,



Marcella M. Bodner
Registration No. 46,561
Attorney for Applicants
Phone: (215) 592-3025
Fax: (215) 592-2682

Rohm and Haas Company
100 Independence Mall West
Philadelphia, PA 19106-2399